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Human rights situations that require the Council's attention

Albania, Australia,* Austria,* Belgium, Bulgaria,* Canada,* Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Iceland,* Ireland,* Israel,* Italy,* Japan, Jordan,* Kuwait,* Latvia, Liechtenstein,* Luxembourg,* Maldives,* Malta,* Montenegro,* Morocco,* Netherlands, Poland,* Qatar, Romania,* Saudi Arabia, Slovenia, Spain,* Sweden,* Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

34/... The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

* State not a member of the Human Rights Council.

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process in accordance with the Geneva communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the afore-mentioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition,

Demanding that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of the ceasefire and to support efforts to render the ceasefire durable and end violations, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and supporting the efforts of Turkey and the Russian Federation, particularly the ceasefire that they helped to establish and that came into effect on 30 December 2016,

Welcoming also the international meeting on the Syrian Arab Republic, held in Astana on 23 and 24 January, as anticipated in Security Council resolution 2336 (2016), and encouraging all parties to fully implement the ceasefire established pursuant to the arrangements of 29 December,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Calls upon* all Member States, especially members of the International Syria Support Group, to create conditions that foster continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations in Geneva, by working to strengthen the nationwide ceasefire, to enable full, immediate and safe humanitarian access, and to lead to the release of detainees, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

2. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Decides* to extend for one year the mandate of the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 22 August 2011;

4. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during an interactive dialogue at its thirty-fifth session, and to present a written updated report during an interactive dialogue at the thirty-sixth and thirty-seventh sessions;

5. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

6. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

7. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations, designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

8. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

9. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities;

10. *Urges* all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian objects, including against medical facilities, personnel and transport and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Strongly condemns* the besiegement and bombardment of eastern Aleppo in the second half of 2016, which, as made clear by the Commission of Inquiry in its most recent report,[1] subjected the civilian population of the city to untold suffering and claimed hundreds of lives;

12. *Expresses its profound concern* at the findings of the Commission of Inquiry in its report, including those suggesting that the offensive against Aleppo involved serious violations and abuses of international human rights law and violations of international humanitarian law by all parties to the conflict, which, according to the Commission, in many cases amounted to war crimes, in particular by the Syrian authorities and its allies;

13. *Also expresses its profound concern* at the Commission's findings that strongly suggest that pro-regime forces committed the war crimes of intentionally targeting protected objects under international law, including medical personnel and transport;

[1] A/HRC/34/CRP.3.

14. *Strongly condemns* the attack on a humanitarian aid convoy on 19 September 2016, killing at least 14 people, which, according to the Commission of Inquiry in its report, was conducted by the Syrian air force, and amounts to the war crimes of deliberately attacking humanitarian relief personnel, denial of humanitarian aid, and attacking civilians;

15. *Also strongly condemns* the indiscriminate use of weapons against civilian areas, such as barrel bombs, cluster munitions and incendiary weapons, which, according to the report were conducted by the regime and pro-regime forces and amounts to the war crime of indiscriminate attacks against a civilian population;

16. *Further strongly condemns* the use of chemical weapons by the Syrian regime, which, according to the Commission of Inquiry in its report, were used by Syrian forces and amounts to the war crime of indiscriminate attacks against a civilian population;

17. *Condemns* the use of unguided and imprecise weaponry, which, according to the Commission of Inquiry in its report, was used by armed groups during the shelling of western Aleppo and amounts to the war crime of indiscriminate attacks against a civilian population;

18. *Urges* all parties to the conflict to heed the recommendations made by the Commission of Inquiry in its report, including the need to comply with their respective obligations under international human rights and international humanitarian law, including refraining from disproportionate and indiscriminate attacks;

19. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

20. *Condemns* the denial of medical services in all prisons and detention facilities;

21. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families;

22. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

23. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

24. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or, transfer, directly or indirectly, chemical weapons to other States or non-State actors[2] and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

25. *Welcomes* the reports of the Organization for the Prohibition of Chemical Weapons – United Nations Joint Investigative Mechanism of 24 August and 21 October

[2] See Security Council resolution 2235 (2015).

2016,[3] and expresses grave concern at its findings that the Syrian armed forces were responsible for the use of chemical weapons (chlorine) in three attacks in the Syrian Arab Republic – in Talmenes in 2014 and Qmenas and Sarmin in 2015 – and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for one sulphur mustard attack in the Syrian Arab Republic, in Marea in 2015;

26. *Condemns in the strongest possible terms* the use of chemical weapons in the Syrian Arab Republic, as reported by the Organization for the Prohibition of Chemical Weapons – United Nations Joint Investigative Mechanism, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013), and the decisions of the Executive Council of the Organization, including decision EC-M-33/DEC.1, as well as the use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

27. *Demands* that all parties identified in the reports of the Organization for the Prohibition of Chemical Weapons – United Nations Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons to immediately desist from any further use;

28. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

29. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

30. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and the alarming impact thereof on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

31. *Condemns* the Syrian authorities' indiscriminate use of heavy weapons and aerial bombardments, including cluster munitions, incendiary weapons, ballistic missiles and barrel bombs, and calls for an immediate end to all attacks against civilians and civilian infrastructure, including medical facilities;

32. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

33. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

34. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

35. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra, and

[3] See S/2016/738.

the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

36. *Affirms* that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

37. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts, including decision-making, with the aim of finding a political solution to the conflict in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013, 2254 (2015), 2268 (2016) of 26 February 2016, 2332 (2016) of 21 December 2016 and 2336 (2016), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks, in order to ensure that all resulting peacebuilding efforts are gender-responsive and consider the differential impact of conflict on women and girls, and their specific needs and interests;

38. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

39. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

40. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016, and stresses the complementary nature of its mandate with that of the Commission of Inquiry;

41. *Invites* Member States to support actively the International, Impartial and Independent Mechanism;

42. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

43. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bring about reconciliation and sustainable peace;

44. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

45. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

46. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and

humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

47. *Welcomes* the progress made since 2013 by the international conferences on supporting the Syrian Arab Republic and the region in Kuwait City and London, and the initiative by the European Union, the United Kingdom of Great Britain and Northern Ireland, Kuwait, Qatar, Germany, Norway and the United Nations to host a follow-up conference in Brussels on 5 April 2017 aimed at assessing progress in implementing the commitments made at the London conference and to reconfirm and identify additional support for the immediate humanitarian and long-term development needs in the Syrian Arab Republic and the region and at boosting international support for the United Nations-led intra-Syrian talks in Geneva;

48. *Renews its call* upon all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges, made at the London conference;

49. *Notes* those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

50. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens receive equal protection, regardless of gender, religion or ethnicity;

51. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

52. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, and recommends that the General Assembly submit the reports to the Security Council for appropriate action, and expresses its appreciation to the Commission for its briefings to members of the Security Council, and recommends the continuation of future briefings;

53. *Decides* to remain seized of the matter.